

REMARKS

CLAIMS READING ON THE ELECTED INVENTION

In the Official Action of November 17, 2004, an election of species was required, but only between a limited number of dependent claims. Namely, election of the species identified by reference to claims 123-125, 145-147, 166-168, and 186-188 was required. Basically, these claims comprise four identical sets of three claims, each claim of the set alleged to constitute a distinct species.

In the response filed December 13, 2004, Applicant elected the first of these three species. Namely, the species defined in the Official Action as corresponding to claims 123, 145, 166 and 186 was elected.

In the response filed April 19, 2005, new claims 190-214 were presented. None of these newly presented claims correspond to claims 123-125, etc. Thus, claims 190-214 fall outside of the requirements of the election of November 17, 2004 and await consideration on the merits.

A summary of the status of the pending claims, with regard to the Election of Species requirement appears below.

NON-ELECTED CLAIMS: 124, 125, 146, 147, 167, 168, 187 and 188.

CLAIMS READABLE ON
THE ELECTED SPECIES
AND CLAIMS NOT
SUBJECT TO ELECTION: 70, 71, 76, 77, 110-123, 126-145, 148-166, 169-186, and 189-214.

The above is submitted to more explicitly satisfy the requirements of MPEP §809.02(a).

GROUND'S FOR TRAVERSAL

As set forth in MPEP §803, restriction is permitted where independent or distinct inventions are present in a single application. However, despite the presence of independent or distinct inventions, examination of the application in its entirety should proceed when doing so would not pose a serious burden to the Patent Office:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.


It is respectfully submitted that the nature and relationship between the three identified species is such that a comprehensive search and examination of all species together in a single application in no way poses a serious burden on the Patent Office. Thus, reconsideration and withdrawal of the election requirement is respectfully requested.

CONCLUSION

Should any questions arise with regard to the above, the Examiner is invited to contact the undersigned in order to advance prosecution

Respectfully submitted,

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